

EXHIBIT 1(b)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MURASHEA "MIKE" BOVELL,

Plaintiff,

-against-

Civil Action No:
7:15-CV-08594-CS

CITY OF MOUNT VERNON, NEW YORK,
COMMISSIONER TERRANCE RAYNOR,
INDIVIDUALLY AND IN HIS OFFICIAL
CAPACITY, DEPUTY COMMISSIONER
RICHARD BURKE, INDIVIDUALLY AND
IN HIS OFFICIAL CAPACITY,
CAPTAIN MICHAEL GOLDMAN, INDIVIDUALLY
AND IN HIS OFFICIAL CAPACITY,
SERGEANT ROBERT WUTTKE, AND
LIEUTENANT PAUL NAWROCKI, INDIVIDUALLY
AND IN HIS OFFICIAL CAPACITY,

Defendants.

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HELD AT: Office of Corporation Counsel
2 Roosevelt Square
Mount Vernon, New York 10550
November 1, 2016
12:00 p.m.

Examination before Trial of the
Plaintiff, MURASHEA BOVELL, pursuant to
Court Order, held at the above time and
place before a Notary Public of the State of
New York.

J & L REPORTING SERVICE
of Westchester, Inc.
50 Main Street, Suite 1000
White Plains, New York 10606
(914) 682-1888
Lisa Dobbo, Reporter

A P P E A R A N C E S:

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A L S O P R E S E N T:

Alec Francis

IT IS HEREBY STIPULATED AND AGREED, by and between the attorneys for the respective parties herein, that the sealing and filing of the within deposition be waived; that such deposition may be signed and sworn to before any officer authorized to administer an oath, with the same force and effect as if signed and sworn to before the officer before whom said deposition is taken.

IT IS FURTHER STIPULATED AND AGREED, that all objections, except as to form, are reserved to the time of trial.

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MURASHEA BOVELL, stating his
business address as 1 Roosevelt
Square, Mount Vernon, New York
10550, having been duly sworn
by Notary Public, Lisa Dobbo,
testified as follows:

MR. SWEENEY: Let's mark these.

(Whereupon, Defendant's Exhibit
DD, Letter 10-27-14, was marked for
Identification.)

(Whereupon, Defendant's Exhibit
EE, Letter 1-29-15, was marked for
Identification.)

(Whereupon, Defendant's Exhibit
FF, Letter 2-26-15, was marked for
Identification.)

(Whereupon, Defendant's Exhibit
GG, Letter 3-6-15, was marked for
Identification.)

(Whereupon, Defendant's Exhibit
HH, Letter 3-13-15, was marked for
Identification.)

(Whereupon, Defendant's Exhibit
II, Letter 4-13-15, was marked for

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Identification.)

Q. Officer Bovell, this is the
resumption of your deposition from last
week. As you may recall, I'm Paul Sweeney
with the law firm Coughlin & Gerhart and I
represent the city and the other defendants
in the lawsuit that you have brought.

I think -- I will assume the same
ground rules apply: If I ask a question and
you answer it the way I asked it that you
understood question; is that a fair
assumption?

THE WITNESS: I would like the
opportunity to state that I don't
understand the question.

MR. SWEENEY: You can certainly
state you don't understand the
question and I'll rephrase it if
necessary.

Q. If you answer the question
after I rephrase or otherwise, I'll assume
that you understood the question; is that a
fair assumption?

A. All right.

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Q. Are you on any medications that will prevent you from testifying here today?

A. No, I just took some painkillers, that's it; over-the-counter.

Q. Over-the-counter?

A. Yeah.

Q. If you need to take a break at any time other than when a question is pending before you, feel free to take that break; okay?

A. Okay.

Q. I think when we broke last, Officer Bovell, we were getting into the area of your line of duty injury.

As I understand it, you sustained a line of duty injury on September 9th, 2014 when you injured your right knee; is that correct?

A. Approximately that time.

Q. In your Complaint at Paragraph 113 it says "After that time or since that time you've been subjected to further harassment, retaliation and discrimination," is that correct?

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A. Yes, further harassment and abuse from the department.

Q. That harassment, retaliation and discrimination you believe is based on account of your race?

A. Not just my race. It's based upon also me speaking out of identifying what's happening in the police department so the way it works is in Mount Vernon Police Department you're supposed to keep your mouth shut. If you see something bad or you don't like, you're supposed to keep your mouth shut. If you want to advance in your career, you keep your mouth shut and keep it moving or if you want to transfer which approximately 50% of the department does, you keep your mouth shut or, you know, keep it moving. There's been instances where people speak up, people speak up and other people have spoken up and are subject to abuse, as well.

Q. What other people were those that were subjected to this --

A. Sergeant Fegan, there's other

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officers aside from me where another white officer where the jobs call up for references and spoken to Sergeant Fegan and he told them not to hire him, he's a piece of shit cop, you know, stuff like that happens.

Q. What officers have received that type of evaluation from or performance opinion from Sergeant Fegan?

THE WITNESS: Retaliation or evaluation?

Q. Well, I think you just mentioned a scenario where officers are trying to, I assume transfer to a job outside the Mount Vernon Police Department.

A. Oh, yeah, they call up for reference and Sergeant Fegan says don't hire them, they're a piece of shit, literally.

Q. What officers are you referring to that received that type of reference from Sergeant Fegan?

THE WITNESS: The names of the officers?

MR. SWEENEY: Yes.

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A. I don't remember the names right now but I'll be able to recall some.

Q. Is it more than one officer?

A. Officers that are subject to retaliation; yeah, there are officers that have been taken off -- black officers have been taken off the Con Ed list like Michael Hutchings. Michael Hutchings is a black officer who's been subject to their treatment in the department. He's a very active police officer. He's, you know, he was kicked out of the task force unit, you know, and since then he's been retaliated against.

Q. I'm referring actually to the officers or officer that received that adverse reference from Sergeant Fegan when they tried to get a job.

Which officer was that?

A. I forgot their name.

Q. Was it a male or a female?

A. It was a male officer.

Q. African-American officer?

A. I'll not quite sure, but it's a

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non white officer.

Q. What timeframe was this, what year?

A. I don't remember right now.

Q. Is there anything that would refresh your memory as to who this officer is?

A. I know who he is. I just don't remember his name.

Q. Can you describe him for me?

A. A male, 5'5", a non white. I don't remember his name.

Q. Is he still with the police department?

A. Oh, yeah, he's still with the Mount Vernon Police Department.

Q. Do you know what division he works in now?

A. I'm not sure. I'm not sure.

Q. What division did he work in -- did you have --

A. We worked in patrol together. We spoke a lot about things, you know, we worked patrol together at that time.

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Q. Sergeant Fegan was his supervisor at one time?

A. I believe so.

Q. In patrol or detective?

A. In patrol prior to him going to the narcotics unit.

Q. With respect to Paragraph 113 after your injury to your knee your Complaint says that you subjected further harassment, retaliation and discrimination and I asked you was that based on account of your race and I think your response was partly but also due to the fact that -- and you went into this explanation about how you had to keep quiet about misconduct in the police department?

A. If I speak up, which I did, I spoke up about issues, identified issues in the department. The department in my experience has the inability to govern itself. They cover stuff up. They have history of covering things up so if you speak up, in my instance, you get retaliated against with the powers that may be that

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being administration who has the power to do so.

Q. Last week I think during your deposition you mentioned one conversation you had with Sergeant Fegan where you reported to him alleged misconduct by I think Detective Antonini.

Are there any other occasions where you spoke up about misconduct in the Mount Vernon Police Department?

THE WITNESS: Misconduct?

MR. SWEENEY: You said

██████████ I don't want to put words in your mouth.

A. Oh, yeah, misconduct, harassment. In the past before I came in the narcotics unit there was a sergeant by the name of ██████████ ██████████ He was known to harass black people on the job. He was known as -- I believe he was German. He was racist. The department knows he's racist but somehow he's protected. I complained of him to our squad. We had a problem with him because he's known for speaking out in a

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2 condescending manner and being unfair. He
3 once referred to a black person as an
4 eggplant in my presence. I dead flagged
5 these issues. I spoke up. There were
6 instances where I spoke up. I spoke up to
7 management. I even complained to human
8 resources of what was happening. At the
9 time I believe the mayor was Clinton Young.
10 I met with the mayor and we identified the
11 issues that he spoke to Chief Dunkin. I
12 identified how he was a racist. He made
13 racist comments and she had a meeting with
14 the squad. He was eventually kicked out of
15 the unit but other members had a problem
16 with him, as well, you know, he was a
17 problem within the department itself but
18 somehow he was never penalized for it.

19 Q. What timeframe was this?

20 A. This timeframe was shortly
21 after I came on the job in 2007.

22 Q. 2007?

23 A. Approximately. This is around
24 2008, 2009 once I started working out of the
25 academy.

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Q. Other than talking to Sergeant Fegan about what Detective Antonini had done which you testified to at the deposition of last week and this other sergeant from 2008 or 2009 timeframe, any other times when you spoke up about corruption or misconduct?

A. Oh, yeah, Judy Williams before [REDACTED] I spoke with Ms. Judy Williams. She's human resource commission. I went to her for intervention. She said she's going to speak with the mayor and nothing happened. Again, nothing happened.

Q. That's 2014 timeframe?

A. 2014, right.

Q. Other than the time in 2008, 2009 when you spoke about this German sergeant talking to Judy Williams in 2014 and Sergeant Fegan, that conversation you had with him, have you spoken up any other times?

THE WITNESS: To whom?

MR. SWEENEY: To a supervisor or somebody in charge --

THE WITNESS: You mean someone

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higher than a subordinate or to a supervisor?

A. I've spoken with other police officers. We've spoken together about issues, [REDACTED] [REDACTED] [REDACTED] department.

Q. Other than a police officer.
I'm talking about supervisors --

A. Supervisors or police officers,
as well.

Q. -- sergeants, lieutenants,
captains.

A. I don't remember. I don't
remember but we as officers have spoken
about these issues going on in the
department for awhile. There was an
incident where [REDACTED] [REDACTED] as I
mentioned earlier where he was working and
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
I witnessed
that. I was there for that. Other officers
took, you know, so it's a matter of, you

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know, use of power and intimidation.

Q. When was that incident?

A. That was approximately around 2008, 2009. I don't remember exactly.

Q. And you observed this?

A. I observed the officer speaking about the incident. I spoke with that -- I was present that night when that incident occurred when the retired Police Officer Leary [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

After [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
he told me what happened and other officers
spoke about the incident in my presence.

That's how [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

██████████ I witnessed ██████████

supervisor that advised [REDACTED] [REDACTED]

██████████ ██████████ ██████████ ██████████ ██████████ in which they did. Apparently they didn't agree to their liking.

Q. Did you make a complaint of this to any superior?

A. Yes, I spoke to -- I went to the mayor, Clinton Young.

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Q. That's the one where you went to the mayor's office?

A. Subsequently because I guess all this occurred in the same timeframe when he was harassing officers, harassing me in particular and making racist comments. I went to the mayor, Clinton Young, and I told him about it.

Q. There came a time when you were advised that you had been awarded 207 benefits; is that correct?

A. At some point, yes.

Q. I'm going to show you and your attorney what's marked as Exhibit DD.

(Handed)

Q. I ask if you recall seeing that document.

A. It looks familiar. I can't really say but it looks familiar. It has the wording 207-c status on there. It has my name.

Q. You do or don't recall seeing that document before today?

A. I recall seeing a similar

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document.

Q. Then there came a time where you were asked to provide Disability Management Associates with certain information regarding your 207-c claim; is that correct?

THE WITNESS: Disability -- say that again, I'm sorry.

Q. Disability Management Associates, do you recall that name?

A. Yes.

Q. In your Complaint at Paragraphs 115 through 117 you allege that Disability Management Associates was harassing you because they were asking personal questions unrelated to your injury.

THE WITNESS: I'm sorry, when I said yes just now I was referring to I'm familiar with Disability Management. Could you repeat the question before this one, please.

Q. In Paragraphs 115 through 117 of your Complaint you allege that Disability Management --

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THE WITNESS: No, you said did
there came a time where --

MS. BELLANTONI: The initial
question, maybe you can --

MR. SWEENEY: Can you read it
back, please.

(Whereupon, the reporter read
back the requested material.)

A. Yes, I'm familiar with
Disability Management. There came a time
where I was told to sign some forms allowing
Disability Management to access my medical
records and for them to fill in my doctors
visits, speak with my doctor, for them to
access medical records for unrelated
injuries, unrelated work injuries. I
remember that's what I do recall the
documentation, customized HIPAA release
forms, actually, because I was told in
January, sometime in January 2015 for the
first time when I was -- when the duty
doctor called me and I complied with
Lieutenant Nawrocki so that I can come down
while I was injured and when I came down he

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said I need to go see Lieutenant Nawrocki. Lieutenant Nawrocki gave me a document indicating I've been now assigned to Disability Management. I was told by Lieutenant Nawrocki that I have no choice that I have to comply with them and he gave me a document. I said I'm just signing indicating that I acknowledged that I received this document. I asked him, "I've never heard about this company before. Is this something new?" Well, he said, you know, for certain individuals that are being assigned to this company. So, I took the document which just states that I've been assigned to Disability Management. Furthermore, he told me that later that sometime in a week or two they will be contacting me, which they did. Jill Stein from Disability Management contacted me. She identified herself as the case manager or nurse case manager. She said that she represents the company by the name of Disability Management Associates and the president is Steve Pearl and when she

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2 contacted me, I said, "Listen, I'm not
3 familiar with who you are" and I asked her
4 for more information and she told me that,
5 you know, she wanted to ask me some personal
6 questions.

7 Q. I'm going to show you and your
8 attorney what's been marked as Exhibit EE
9 and ask if you recognize that.

10 (Handed)

11 A. It looks like the document that
12 Lieutenant Nawrocki handed me the day when
13 the duty doctor told me to meet with
14 Lieutenant Nawrocki so that he could give me
15 the document. This looks like the document.

16 Q. So, Exhibit EE is the
17 notification to you that Disability
18 Management Associates would be working on
19 your 207 claim; is that correct?

20 A. This was the document that
21 Lieutenant Nawrocki handed to me that day.

22 Q. That day meaning the
23 conversation you just went over with
24 Lieutenant Nawrocki?

25 A. Yes.

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2 Q. In your Complaint you allege
3 that "Disability Management representatives
4 are being used by the department to harass
5 and intimidate you by asking you personal
6 questions unrelated to your injury --

7 MS. BELLANTONI: Can you just
8 tell me what paragraph, please.

9 MR. SWEENEY: Paragraph 117.

10 Q. -- calling your doctor to
11 obtain information about when you would
12 transfer your appointment and following you
13 to your doctors and physical therapy
14 appointments and trying to sit in on your
15 private doctor appointments with you."

16 A. Yeah.

17 Q. I think I fairly summarized
18 what Paragraph 117 says.

19 Do you think that Disability
20 Management Associates was harassing and
21 intimidating you on account of your race?

22 A. No. In the course of my EEOC
23 complaint to the Department of Justice or to
24 the EEOC I had a mediation session during
25 the course of when Sergeant Wuttke called --

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1 when I called him and he apologized to me.
2 Mediation didn't work out so in January I
3 took it out of mediation and to pursue an
4 investigation about EEOC. At that time I
5 did not have counsel just yet during my
6 mediation with the department. Apparently
7 the department was upset that I did this.
8 The department was upset that I still had my
9 case in with a third-party entity, the
10 federal government, EEOC, and started their
11 investigation. This is when the harassment
12 with Disability Management, the abuse, the
13 calls, the tedious phone calls from Jill
14 Stein on various visits and I forget her
15 name from Disability Management, but various
16 members of Disability Management team. This
17 is when the abuse and the harassment started
18 to increase from the department.
19

20 Q. Do you know if you're the only
21 officer assigned to work with Disability
22 Management Associates that was on 207-c?

23 A. [REDACTED] was assigned with
24 them. She complained about harassment from
25 them, as well.

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Q. Any other officers that were assigned to work with Disability Management Associates?

A. Not that I know of. I've spoken to [REDACTED] [REDACTED]. She had confirmed that with me that she had resigned and that she had received unfair treatment and abuse from them and the department, as well.

Q. Did [REDACTED] [REDACTED] file a claim of racial discrimination before being assigned to work Disability Management Associates?

A. I'm not sure. I don't know.

Q. Do you know of any white officers that have been assigned to work with Disability Management Associates?

A. Not that I know of.

Q. I'm going to show you what's been marked as Exhibit FF with your attorney. I ask you to take a look at that.

(Handed)

THE WITNESS: Yeah, this doesn't make any sense because -- - okay, all right. I'm sorry, I read

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the date wrong because I saw the date. I thought this was the time of the letter because I didn't start getting communications with regards to Disability Management until 2015 so that's the date of my injury.

What now pertaining to this?

MR. SWEENEY: I'm just asking if you recognize the exhibit, Exhibit FF.

A. I received so many letters from Captain Goldman and Lieutenant Nawrocki pertaining to my 207-c benefits.

THE WITNESS: My 207-c benefits are truly hard to keep up so I'm trying to refresh my memory here.

A. This seems like a letter after I was forced to have a meeting with Jill Stein of Disability Management. Lieutenant Nawrocki told me that they will be coming to my home but then he further advised me that it's too far for her to drive, this Jill Stein, and I have to come down even though I was the one who was injured, so I was

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ordered in prior. I had spoken with her and she wanted me to sign documentation and I said, "Listen, I'm a police officer. I don't know who you are. You're not a part of our collective bargaining agreement. There's nothing stipulated who you are as an entity. I'm only familiar with the duty doctor, you know, which is in the rules and regulations." She was asking personal questions and I said, "Listen, I'm a police officer. I have to be safe with my personal information and these documents that you need me to sign, could you please email them to me so I could further it to my legal counsel" and that never happened. I received a phone call from Lieutenant Nawrocki that I was ordered to meet with her regardless and that I should come and that day I had physical therapy. I was a bit late. I met with Jill Stein. Lieutenant Nawrocki was present and was supposed to be there where they handed me six documents for me to sign. Jill also asked me questions about unrelated injuries, unrelated

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injuries. She had records of them which she said she received from the Mount Vernon Police Department, Captain Goldman a day or two prior. So, she continued to ask me questions. These conversations that I had with Jill Stein were actually recorded and was given my counsel on the USB drive that you have. I then asked them for copies of the documents which they refused to give me copies that day. Lieutenant Nawrocki came in the room and asked me why I didn't want to sign. I said, "I don't want to sign them. I'm confused. I don't know what I'm signing and I need legal counsel." They refused to give me all the copies. They only gave me two. I was told to write an MV-5 as to why I was late which I was going for physical therapy which is why I refused to sign the documents because I wanted legal counsel, and what else did he want, the MV-5 and I asked him if I could write the MV-5 later because I was in pain. He said "No, you have to do it now." I was ordered to do it while I was in pain. I'm like, "I'm just

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2 coming from therapy, on the medication and
3 everything" so I was forced to meet with
4 this Jill Stein and I wasn't given an
5 opportunity to speak. I had to speak to
6 legal counsel.

7 Q. In your response you indicated
8 that Jill Stein or whatever her name is from
9 Disability Management Associates was asking
10 you questions unrelated to your line of duty
11 injury.

12 A. Yes.

13 Q. In what way were they
14 unrelated?

15 A. They never occurred. The
16 injuries that she was questioning me about
17 she had records of in her hand and she
18 attempted to question me about did not occur
19 on the job, unrelated in any way or form,
20 did not occur within the month of September
21 of 2014 or any time while my employment in
22 2007 until now with the Mount Vernon Police
23 Department, but she had those records. I
24 never consented for her to have those
25 records but she had -- as a civilian she had

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those records in her hand with this company Disability Management Associates.

Q. Were the records pertaining to a right knee injury that you sustained at anytime?

A. No.

Q. What were the medical records pertaining to?

A. She began to ask me questions about unrelated injuries that she had.

Q. What unrelated injuries were they?

A. She stated dates, you know, she mentioned injuries that I didn't even know I had at one point in 2009. I really don't know. She mentioned something in 2009, as well. I don't remember an injury in 2009 so, you know.

Q. In terms of body parts, do you recall what body parts she was referring to which were not related to your line of duty injury?

A. I don't remember but I wish not to discuss that further, anything unrelated

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to my on duty injury.

Q. Have you ever injured your right knee before September of 2014?

THE WITNESS: Injured as on duty or any time in my life?

MR. SWEENEY: Anytime.

A. Not that I remember, not prior to being employed by the Mount Vernon Police Department.

Q. You indicated that there was nothing in the collective bargaining agreement regarding the authority of Disability Management to work on your 207 claim; is that correct?

A. I indicated I checked with -- I confirmed with our -- the union president at the time, I confirmed with the collective bargaining agreement that we have and he said that there was nothing indicated that we have any type of agreement with Disability Management. We've consulted with Captain Goldman -- Chief Goldman I believe when he was promoted and he said to me -- his words are "Chief Goldman hasn't given

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2 him anything to indicate any type of
3 contractual contract or any type of
4 bargaining agreement with Disability
5 Management."

6 Q. Did the union ever file a
7 grievance over Disability Management
8 Associates working with 207-c claims?

9 A. I don't know. I don't know. I
10 made the union president aware. He told me
11 that he has no idea and that basically
12 Captain Goldman was bullshitting and gave him
13 the run around every time he asked to see a
14 disagreement between the city and the Mount
15 Vernon Police Department or within a
16 department within.

17 Q. Did you file a contract
18 grievance regarding the requirement to work
19 with Disability Management Associates?

20 A. I identified the issues to my
21 union president.

22 Q. But you didn't file your own
23 grievance?

24 THE WITNESS: I'm not familiar
25 with that, what you're asking me.

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2 Q. Well, if you had an individual
3 grievance, if you had a problem with how you
4 were being treated with respect to terms and
5 conditions of employment under the contract,
6 you can file your own grievance; is that
7 correct?

8 THE WITNESS: Under the
9 contract -- with what contract, with
10 Disability Management?

11 MR. SWEENEY: No, the
12 collective bargaining agreement that
13 you referred to.

14 THE WITNESS: But there's no
15 contract that we have with Disability
16 Management.

17 MR. SWEENEY: Right.

18 Q. Did the union file an improper
19 practice charge?

20 A. You know what, I don't know.
21 He has that authority. I know he was
22 annoyed, you know, he has that authority.
23 He's fully aware of what's going on, my
24 issues with the department. We've had
25 conversations about it, you know, and at

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some point he began misinforming me. At some point he began to lie to me about what's going on, so I really don't know what's going on. It seems to be really ambiguous from that point.

Q. In your Complaint at Paragraph 22 and I think other places you refer to "The unlawfully brought authorizations to obtain medical records."

Why were the authorizations unlawfully brought, if you know?

MS. BELLANTONI: I'm going to object. You can answer.

A. Sure. Each and every time -- when I had the first meeting with Jill Stein in February or January, I can't recall in 2015, she told me that these are customized -- she gave me some forms and told me that they're customized for me by her attorney. I don't know what attorney she's referred to, what attorney represents Disability Management, perhaps you, I'm not sure, but she informed me that these forms are customized especially for me and the wording

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1
2 basically expresses that in a nutshell that
3 any cat, dog or mice can access my medical
4 record. It was very broad and very
5 customized, her words exactly. From there
6 on out, communications that I received from
7 Captain Goldman, Lieutenant Nawrocki, each
8 time these customized HIPAA forms are
9 changed in different ways; the wording, from
10 who can access my medical records, every
11 cat, dog or mice, so it changed every time.

12 Q. They were unlawful because they
13 changed from time to time?

14 MS. BELLANTONI: Objection.

15 You can answer.

16 A. They're unlawful in the sense
17 that it violated my -- who was allowed to
18 access my medical records, my personal
19 information; my Social Security Number and
20 my date of birth. That was typed clearly on
21 these documents that was in the possession
22 of Jill Stein that day at the first meeting.
23 She had access to my date of birth, my
24 Social Security Number, my name and
25 everything. These are confidential

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35

documents so that you have a civilian walking around and asking me personal information and trying to get access to my information that we as a department, the PBA is not aware of any -- at the time that I was told any type of contract with this company.

Q. I'm going to hand you and your attorney Exhibit GG.

(Handed)

THE WITNESS: What about this document exactly?

Q. Do you recall receiving that?

A. I recall Internal Affairs on multiple occasions showing up at my house banging on my door while me and my son was home and my son being afraid, my neighbors alerted, as well, accompanied by Francis who is present right now, Lieutenant Olifiers. I remember them giving me this letter and banging hard -- prior to banging hard on my door as if it was a jail style -- as if it was a prison house, so I remember receiving this letter but some details of this letter

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is inaccurate. It's very inaccurate so --
and I was never given ample time to respond
to this letter as requested.

Q. Did you ever file -- did you or
anyone on your behalf file a grievance after
receiving that letter of counseling?

A. File a grievance, I believe I
sent a response to --

THE WITNESS: One moment. Let
me take a look again, please.

A. I did send a rebuttal in
response to this in a time frame provided.

Q. You sent a rebuttal.
Did you ever grieve that letter of
counseling?

A. As indicated, I sent a
rebuttal. I needed ten days to rebuttal
which I did within that ten days and
unfortunately I was never allowed these days
to provide a response.

Q. Other than the rebuttal that
you submitted, did you grieve that letter of
counseling?

A. I grieved the form.

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Q. To the union?

A. The PBA president.

Q. Do you know if a grievance --

A. He never advised me of that process of the grievance. Again, I was annoyed. At some point he became very misleading and, you know, wasn't of much assistance to me which is why I have my own counsel, so I wasn't given -- shown the best interest by the PBA, Jose Colon, who is now being promoted as sergeant and he came from Sleepy Hollow. I was given mis information by Jose, I was misguided, I was misguided by some of the PBA reps, as well. So, they didn't seem to have my best interest at all but I did make my PBA, my leader -- our leader as the union aware of what was happening. There were emails that were sent by myself and my counsel to the PBA concerning issues pertaining to the harassment from the police department and Disability Management Associates.

Q. After receiving that letter of counseling -- I'm going to show you what's

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marked as Exhibit II and ask you to take a
look at that.

(Handed)

THE WITNESS: This is April.

Again, I received 1,000,
approximately 1,000 -- a bit
exaggerating -- but this letter is
from Captain Goldman and Lieutenant
Nawrocki. I remember this particular
one. It seems to say that basically
my -- about my 207-C benefits.

Q. That you were being awarded
207-c benefits; is that correct?

A. I don't understand but I
already been awarded back in 2014. I don't
remember this letter.

Q. You don't remember receiving
that letter?

A. I don't remember it. I could
have but I don't really remember.

Q. In your Complaint at Paragraph
128 you reference an incident "In and around
January of 2014 when Lieutenant Gallagher,
Christopher Gallagher, I guess, was involved

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2 in an altercation [REDACTED] [REDACTED]
3 [REDACTED] [REDACTED] [REDACTED] [REDACTED]
4 [REDACTED] [REDACTED] [REDACTED] do you recall that
5 allegation?

6 A. Yes, I recall that that
7 information was given to me by another
8 officer, as well who witnessed, who did a
9 report who witnessed the incident, who
10 witnessed the racial display by Lieutenant
11 Gallagher around that timeframe.

12 Q. What officer witnessed that?

13 A. That was Gene Jerome.

14 Q. Did Officer Gene Jerome make a
15 report of that?

16 A. I'm not sure what he did, but
17 he witnessed the incident, he did a report.
18 He advised me that he did a report.

19 Q. Do you know to whom did he
20 report?

21 A. I'm not sure.

22 Q. What racist remarks were made?

23 A. I don't remember. I know from
24 what I can recall he advised me that
25 Lieutenant Gallagher [REDACTED] [REDACTED] [REDACTED]

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1 [REDACTED], to my recollection right now.
2
3 I don't remember the details right now that
4 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
5 party while he was placed out of service [REDACTED]
6 [REDACTED] [REDACTED] I can't recall the arrest
7 right now.

8 Q. If I understand your response,
9 this incident took place in a place that
10 [REDACTED] [REDACTED] while on duty?

11 A. I don't remember. From what I
12 remember is that Lieutenant Gallagher
13 [REDACTED] [REDACTED] [REDACTED] [REDACTED]
14 [REDACTED] [REDACTED] [REDACTED] [REDACTED].

15 Q. But you don't remember what the
16 [REDACTED] [REDACTED] [REDACTED]

17 A. I can't recall right now.

18 Q. And [REDACTED] [REDACTED] [REDACTED] may have
19 involved [REDACTED]

20 A. Oh, it did involve [REDACTED]
21 [REDACTED] [REDACTED] [REDACTED] That's what Gene
22 Jerome said to me.

23 Q. When did Gene Jerome tell you
24 this?

25 A. It was provided in a recording

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1 that was given to you. Oh, he said he
2 witnessed it and they [REDACTED] [REDACTED]. He
3 said he witnessed it, he complained about it
4 but [REDACTED] [REDACTED] [REDACTED]. I remember him
5 saying that but it's in the recording.
6

7 Q. Whatever knowledge you have
8 regarding an incident regarding Lieutenant
9 Gallagher would appear on the audio
10 recording?

11 A. Yes, on the conversation
12 between myself and Gene Jerome.

13 Q. Other than the audio recording,
14 have you and Gene Jerome discussed this
15 event?

16 THE WITNESS: Prior?

17 MR. SWEENEY: Either prior or
18 after.

19 A. After, I can't recall but prior
20 to this, no, I don't remember.

21 Q. How about after?

22 A. After, I don't remember;
23 perhaps because we've had multiple -- we've
24 had multiple conversations about misuse of
25 black people in the department with

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1 harassment, a lot of black people like
2 [REDACTED] [REDACTED] in the department, you
3 know, we've had multiple conversations about
4 things that happened, stuff that he's
5 witnessed, Jose Colon, PBA president, how he
6 signed an agreement not to -- when
7 Lieutenant Fisher -- when Sergeant Fisher
8 was illegally promoted to sergeant over
9 three black sergeants who also passed the
10 test, he was promoted on an expired list,
11 Jose Colon, PBA president signed an
12 agreement not to -- what should I say -- not
13 to -- what's the word I'm looking for -- not
14 to do anything. Basically he signed an
15 agreement not to do anything about it with
16 management.
17

18 Q. The agreement not to do
19 anything, that pertained to the promotion of
20 Lieutenant Fisher?

21 A. The illegal promotion of
22 Lieutenant Fisher.

23 Q. Why do you say it's illegal?

24 A. He was promoted off an expired
25 list allegedly on the weekend when the mayor

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wasn't around over three black other officers who were at best on the current list as a result.

Q. Was Lieutenant Zadie promoted off the same list?

A. Lieutenant Zadie was -- actually, he scored, I believe number one on the new list; either number one and subsequently after that I believe Sergeant McEachin, Sergeant Scott and then Sergeant Sexton were on that list, as well.

Q. You say that list, is that the same list as Lieutenant Fisher or a different list?

A. Lieutenant Fisher failed the test. Once they realized he failed, they promoted him off the expired list, so members of the PBA, people were upset about it but what I was advised he signed an agreement with the administration not to dispute the promotion, the illegal promotion.

Q. Are you scheduled for surgery to your right knee, Officer Bovell?

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THE WITNESS: Are you speaking
about now?

MR. SWEENEY: Yes, now.

A. Oh, yeah. I suppose I should
have the surgery sometime like this month,
actually.

Q. Have you been working with
Disability Management Associates regarding
your current treatment?

MS. BELLANTONI: Objection to
the form.

Q. Do you have interaction with
Disability Management regarding your current
medical treatment?

THE WITNESS: When you say
current, you're saying injury? I
don't get it.

MR. SWEENEY: Yes, same injury
within the last 60 days.

A. Within the last 60 days. Well,
I used to get a lot of harassing phone calls
from Disability Management. I really don't
understand -- it clearly states that they're
in the capacity of gathering medical records

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1 but right after my second surgery or before
2 they would constantly call me and leave
3 messages, harass me. I don't know what they
4 want. I'm not under their personal care. I
5 have my own doctor. They used to call me a
6 lot and show up at my doctor's appointment.
7 I never signed an agreement for them to show
8 up at my doctor's appointment. You know, it
9 was just too much.
10

11 Q. I guess my question was: Have
12 you had interaction with Disability
13 Management Associates within the last 60
14 days?

15 THE WITNESS: In the last 60
16 days, myself or my doctor's office?

17 MR. SWEENEY: Yourself.

18 A. No. Ever since I filed my
19 lawsuit then things got under the new mayor.
20 Things kind of calmed down. I haven't
21 receive any phone calls lately, magically.

22 Q. Do you know if Disability
23 Management Associates is speaking with your
24 doctors?

25 A. Well, as of this year, I was

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2 told by Cindy Luciano when I told her that
3 Steve Sperling called up and wanted to know
4 when my surgery was scheduled. He said
5 Steve called Disability Management and they
6 wanted to know when my surgery's been
7 scheduled, you know, they've -- well, they
8 called and wanted to know my doctor's
9 appointment in the past. Recently that's
10 what I was told by Cindy Luciano of my
11 doctor's office, Dr. Maddalo's office. So,
12 they have been in contact with my doctor's
13 office for medical records.

14 Q. Have you objected to that
15 contact by Disability Management Associates?

16 MS. BELLANTONI: Object as to
17 the form.

18 A. I have referred everything to
19 my attorney. Once she advised me of that, I
20 said to her that she should refer to my
21 attorney for any type of legal matters.

22 Q. In your Complaint you allege
23 that your 207 benefits were terminated.

24 Have your 207-c benefits been
25 terminated?

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MS. BELLANTONI: In their
entirety or any portions of them?

MR. SWEENEY: In their entirety
or any portion thereof.

A. Yes, they were and luckily I
have my legal counsel. It wasn't in its
entirety or it would have been if I didn't
have my attorney. After my second surgery,
I was told by my doctor I need about nine
months to 12 months of therapy. I only
received one to two months of therapy and
then my benefits were partially discontinued
or terminated.

Q. How were they partially
discontinued?

A. Well, I was getting my pay but
I wasn't receiving my therapy. It's a
Workers' Comp case. I wasn't getting my
therapy. I received a letter at some point
from Lieutenant Nawrocki or Chief Goldman at
the time that my benefits are terminated, my
207-c benefits are terminated so I stopped
receiving physical therapy, much needed
physical therapy for my recovery, so I went

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months, over perhaps six, seven months,
eight months without therapy.

Q. At some point in time, did
physical therapy resume?

A. Oh, yes, right after -- later
on after the old leadership and under the
new leadership of this new mayor, yes.

Q. Besides Gene Jerome, I guess
it's Detective Gene Jerome now, have you
spoke with any other officers about your
lawsuit?

THE WITNESS: About my lawsuit?

MR. SWEENEY: Yes.

THE WITNESS: You know what,
when you say about my lawsuit, what
exactly are you referring to?

MR. SWEENEY: You brought a
lawsuit. I'm asking if you spoke to
officers besides Gene Jerome
regarding your lawsuit.

A. Yeah, people have contacted.
People contacted me a few weeks ago. They
were concerned that they -- they said they
got messages that they have to meet with the

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city's legal counsel because they were witnesses on my lawsuit and they called me. Some of them I haven't heard from in a long time, you know, and I will say years, so they called me up and they wanted to know what was going on. I just said -- they asked. I said, "Just tell the truth" and that's basically it.

Q. Did you record those conversations?

A. I don't remember.

Q. Why not?

MS. BELLANTONI: He said he doesn't remember.

Q. You don't remember if you recorded them?

A. I don't remember.

Q. Would there be something that would refresh your memory as to whether or not you recorded these people that called you?

A. Perhaps, but I will have to see.

Q. The audio recordings of Gene

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Jerome and others, were they done on your personal cell phone?

A. On my cell, yes.

Q. Have you deleted any of those recordings since this lawsuit began?

A. No, I've transferred those recordings on USB which I provided to you.

Q. Are there any recordings of individuals who have contacted you regarding this lawsuit that you haven't transferred to the thumb drive?

A. Not that I remember. I can't remember. I haven't checked.

MR. SWEENEY: I'm going to ask if you can search through your cell phone and if there are any recordings that have not been produced to your attorney I'd like to get a copy of those.

Q. But you don't remember deleting any recordings; do you?

A. No. If I had a recording about an issue pertaining to this because of the abuse that I received at the police

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department and Disability Management then,
you know, I would not have deleted anything.

Q. What officers contacted you
besides Gene Jerome regarding this lawsuit
that you referred to?

A. Officer Patterson called me two
weeks ago, approximately two weeks ago,
wanted to know what was going on. I said --
he said he had a meeting. He wasn't sure if
it was my attorney or city counsel,
something about the Attorney General and I
said, "Listen, tell the truth." I said,
"Tell the truth." I haven't spoken to him
since. I spoke to Avian Lee. She advised
me that she's having a meeting with them, as
well. She received a voicemail from patrol
division that she has a meeting with the
Attorney General and city counsel; a
dispatcher. I forgot her name -- it's
Dispatcher Richards. She contacted me and
she wanted to know what, just as the others,
what was going on. The same thing, I just
told her to tell the truth.

Q. Any others besides Patterson,

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Avian Lee and --

A. I spoke to Gene Jerome, as I mentioned. I don't remember right now.

Q. You reported Patterson; correct?

A. I'm not sure.

Q. Mitchell, did Sergeant Mitchell call you?

THE WITNESS: Sergeant Mitchell?

MR. SWEENEY: Uh-huh.

A. I haven't heard from Sergeant Mitchell recently since he was promoted to -- since he was promoted to honorary commissioner. I heard from him at some point, yes, about the lawsuit a little bit after or prior but I haven't spoken to him recently.

Q. So, you recorded Mitchell; correct?

A. Yes, I believe that was provided to Briley.

Q. You recorded Gene Jerome?

A. Yes, I provided the

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information.

Q. You recorded Patterson?

A. Patterson, I don't remember -- yes, in the past, not recently. I don't remember recently but in the past I have because I haven't heard from Patterson in awhile.

Q. Did you record Avian Lee?

A. I believe so. I'm not sure.

Q. Did you record Tiwana Richards?

A. Yes, yes, I would think so.

Q. In terms of your damages, Officer Bovell, I understand you're making a claim for compensation you would have earned as a detective; is that correct?

A. Yes, yes.

MR. SWEENEY: And I believe your attorney provided a calculation of that.

Q. You're claiming lost overtime opportunities from the Con Ed detail; is that correct?

A. Oh, yes.

Q. That would have been from the

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period of July 29th, 2014 until you were injured on September 8th, 2014?

A. Yes.

Q. So, for about a month and-a-half, six weeks or so?

A. Approximately.

Q. Then I think there's also a claim for lost overtime since January of 2016; is that correct?

A. I believe so.

Q. What overtime do you think you've lost since January 2016?

A. Well, you know what, with everything that's happening and all the abuse, the harassment and the neglect of medical treatment, if I had been given the opportunity and all the medical attention needed as a police officer, as an injured police officer with the City of Mount Vernon, a very busy City of Mount Vernon, I believe that I would have been able to recover in a more expeditious manner but as a result of the neglect by the police department in using my 207-c benefits

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against me and to harass and intimidate me,
I have not had the opportunity to recover to
the full potential that I could have.

Q. So, you believe that if you
received medical treatment you believe you
could have returned to duty on or about
January of 2016?

A. I believe I could have been
back, but with all this abuse and neglect,
that didn't happen.

Q. Are you claiming any emotional
damages, Officer Bovell?

A. A lot of emotional damages,
yes.

Q. Have you treated with any
professional regarding these emotional
damages?

A. I have attempted to.

Q. What does that mean?

A. Meaning I reached out and I
tried to make appointments but it's very
hard, but at the same time, everything
that's going on has been damaging to my
personal life, to my wife, the abuse on the

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1 police department from my son, the
2 harassment. Unfortunately my home, my wife,
3 my kids, they're not -- I'm the rock in my
4 family so unfortunately I can't appear to be
5 -- to them I appear to be weak and they
6 don't know what to do. I tried to reach out
7 for therapy without them knowing but I was
8 unsuccessful and also it costs a lot of
9 money to do it. So far I just been relying
10 on the power of God trying to keep sane and
11 try to hang on with everyday, you know,
12 abuse and the harassment and me being
13 ostracized, my career being objected and
14 everything else, so it's been really hard on
15 myself and my family. There's times I
16 breakdown and I cry, I literally cry because
17 this is not where I want to be in my life.
18 It's not what I want to go through. It's
19 been rough for myself and my family most of
20 all and I've been trying to protect them.

22 Q. From your response, I take it
23 that you haven't sought any professional
24 counseling for these emotional issues that
25 you've been having?

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2 A. I tried to. It cost a lot of
3 money. I've tried to. I haven't been able
4 to get anyone and also it takes away, you
5 know, I've been afraid to. I've been afraid
6 to because I don't want to look weak in
7 front of my family. I don't want to seem
8 crazy. I don't want to seem like a crazy
9 person or something that needs help.

10 Q. You said two different things.
11 You said that it cost a lot of money and
12 that you don't want to appear weak by your
13 getting counseling.

14 In terms of the expense, you have
15 major medical insurance through the City of
16 Mount Vernon; do you not?

17 THE WITNESS: Pardon me?

18 Q. You have major medical
19 insurance -- you have health insurance?

20 A. Major, it's not major, but I
21 have medical insurance, but, you know, when
22 I called these -- I've made a few phone
23 calls to therapists and some of them do not
24 accept my insurance. Most of them want --
25 most of them want cash, you know, so you

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2 have to pay with cash and the way it works
3 you pay with cash and you get reimbursed by
4 your -- if they accept your medical
5 insurance, so most of the professionals that
6 I've contacted is either they do not have
7 any space, they're all booked up, they
8 accept cash and they're very expensive for
9 the hour and they -- the way it works is
10 also is that you pay them first and then you
11 attempt to get reimbursed from your
12 insurance company.

13 Q. What providers that you've
14 tried to see but they only accept cash and
15 they're very expensive?

16 A. I've called a few.

17 Q. Do you have some names?

18 A. I recorded the conversations.
19 I don't remember their names.

20 Q. You recorded conversations?

21 A. Yes, I recorded the
22 conversations.

23 Q. Were those conversations
24 disclosed to your attorney?

25 A. I don't remember. I don't

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remember. I don't remember and if I did, I
didn't see -- I don't remember.

MS. BELLANTONI: If they
haven't, I will ask my client to turn
them over to me and I will provide
you with a copy.

MR. SWEENEY: That will be
great.

Q. You're being treated by an
orthopedic physician regarding -- for your
knee; is that correct?

A. Yes.

Q. Have you made any complaints to
your orthopedic surgeon about your emotional
issues?

A. Well, my emotional -- yeah,
it's obvious. My emotional status is
obvious when they see me. They ask me if
everything is all right because it's obvious
based on what's happening and after,
especially after the Disability Management
representative showed up at my doctor's
appointment, they felt that, the doctor's
own words, that it's disgusting that the way

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I've been treated. In their own words that it's disgusting, this is something that is too much abuse and that they've never seen so much abuse in their life.

Q. Can you describe for me what emotional issues that you're currently having?

A. Stress, anxiety, headaches, I'm worrying too much, I think about -- I was just in the hospital two weeks ago because I was worrying too much and I came down with a serious headache and they had to admit me.

Q. What date was that?

A. I don't remember what date. It was the week of the first scheduled deposition that I was unable to make it. I was just -- I had a nervous breakdown with everything that was happening and I had to go to the hospital because I was worrying so much and my headache exacerbated and they admitted me. They had me in isolation for a little bit. They had to check to see if I had any other type of disease which I didn't and then they took me off isolation and they

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discharged me.

Q. What hospital was this?

A. This is Vassar Hospital. I think it's in Poughkeepsie. I'm not sure.

Q. You were treated by some mental health professionals at Vassar?

A. I don't know. They were doctors. They couldn't understand why a healthy young man came in with that type of headaches and symptoms so they were checking me for everything; meningitis, MRSA, they were checking with needles in my spine so I was on -- they, you know, they gave me medication, antibiotics and I was on the IV. So, until -- I did two days out there. They checked and everything came up negative and they said -- once I started feeling better they discharged me.

Q. I take it from your response you were there for two days?

A. I don't remember; approximately. Once they were able to check and saw that my results were negative and that I was feeling better, I was discharged.

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2 Once they were able to check the results
3 that it wasn't anything major that I had, I
4 was taken off isolation. People were coming
5 in my room with masks on because they felt
6 that -- they were asking me if I traveled
7 anywhere recently or if I -- the results
8 came out negative by the infectious disease
9 doctor, I believe. They checked that, too,
10 and then I was cleared.

11 Q. The initial symptoms that
12 brought you to Vassar Hospital were stress,
13 anxiety and headaches?

14 A. Yes, I had little headaches
15 here and there but I started to --
16 everything was overwhelming and it just came
17 down and it hit me. My diet, you know, it
18 was stressful. I guess I was worrying about
19 this, all this happening.

20 Q. When you say all this
21 happening, you mean the lawsuit?

22 A. My predicament, me, me having
23 to stand up and expose the corruption and
24 the racism, the favoritism, all types of
25 ism's in the department, me standing up and

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2 the abuse that I'm subjected to, the
3 harassment, my career, you know, my career,
4 you know, me having to be here,
5 unfortunately. I'd rather that this -- none
6 of this occurred, meaning the bad things
7 haven't occurred. I wish they were all good
8 things that occurred.

9 Q. In terms of other -- in terms
10 of headaches that you mentioned and stress
11 and anxiety, is that a frequent occurrence
12 for you or is that once in awhile?

13 A. That's -- when I think about my
14 situation, when I think about what's
15 happened with the job, that's when this
16 occurs. When I have to look out every time
17 to see Internal Affairs is coming to my
18 home, I have to send my son to his bed
19 because when they do come Lieutenant
20 Olifiers for some reason everybody in my
21 neighborhood was wondering why was that
22 person knocking on my door. Lieutenant
23 Olifiers and Francis -- -Lieutenant Olifiers
24 is knocking on my door like it's a prison
25 house. Whether it's Francis or someone else

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2 they ring the doorbell, so I really don't
3 understand so I got to be looking out my
4 window, you know, I'm home. They're
5 dropping off letters, they're checking on
6 me, checking if I'm home, you know, it's all
7 harassment, all intimidation, so my mental
8 state is like what's next? What's next? I
9 don't know what's next. I live in cop land,
10 too. Sergeant Wuttke lives across the
11 street from me. I don't know what he's
12 going to do and what he's going to lie about
13 or say. He's known for lying. He's a liar,
14 you know, abuse of power. This is what I
15 got to go through. My son is looking at me
16 like "Daddy, who's at the door? Why is he
17 banging on the door like that?" I live in
18 Dutchess County. No one bangs on the door.
19 They ring the doorbell. It's a civilized
20 world I live in. That's why it's there.
21 That's the type of stuff I have to go
22 through along with the phone calls, the
23 harassment from Disability Management, the
24 harassment from Lieutenant Nawrocki,
25 Goldman, you know, ever since [REDACTED]

M. BOVELL

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1 since the new mayor, that stopped.

2 Q. So, that would have been some
3 time ago?

4 A. The new mayor was inaugurated
5 in January of this year.

6 Q. We're in November now; right?

7 A. Yes, we're in November. It was
8 January of this year. Since the new mayor
9 came into office, things have calmed down.
10 Since Goldman [REDACTED], things calmed
11 down the way they used to be last year but,
12 you know, but I'm still nervous as hell. I
13 don't know what to expect. Anything is
14 possible in a person in my situation and
15 seeing what I've seen and the type of abuse
16 and power that these figures have, my
17 supervisors have, anything is possible, so I
18 worry everyday what's next. I don't know
19 what's next. Lies I've been told. I've
20 been told lies and they have power.

21 Q. But the stressing phone calls
22 from Disability Management Associates, they
23 stopped as of January of this year; correct?

24 A. I believe so, approximately. I
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M. BOVELL

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2 have to check again but I'm still left with
3 my career, my health, you know, you know, I
4 expected to be at least a sergeant because
5 -- something right now, you know, doing
6 something positive. I took the sergeants
7 test just a week or two after I did surgery,
8 you know, and that was rough and while being
9 stressed out by the job and Disability
10 Management, you know, it was rough. I
11 couldn't study for the test so I wasn't even
12 prepared but I said hey, let me give it a
13 shot. I like working for the City of Mount
14 Vernon, community of Mount Vernon. Why
15 should I run? Why do I got to run like
16 everybody else? I want to be here, but it's
17 the administration that is corrupted and
18 full of racism, favoritism, abuse of power.
19 That's what I'm subjected. Why should I
20 have to run?

21 Q. I'm confused, so after change
22 of administration in January of 2016, the
23 city administration is still corrupt and
24 racist?

25 MS. BELLANTONI: Was that --

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can you read the other question back?

(Whereupon, the reporter read
back the requested material.)

A. Put it this way: If I didn't
have my legal counsel, I'm pretty sure
things would be a lot worse and if I didn't
file this lawsuit, things would be a lot
worse than they are right now, so I put that
on the grace of God and that I have good
representation. How can the city not be
corrupt and not be still racist? The same
people work there. The same people are
still there, the same players, the same
regime from years ago transitioning
Lieutenant Fisher, he's the head of major
case unit, incompetent case unit. The word
is if you want to do a murder, come to Mount
Vernon, you know, nothing is being done.
Why do these people have this power and
nobody wants to work amongst that, you know,
he's a racist, you know, ask Dave Clark.
He's known to -- Marvin, he worked with
them. Call him boy, you know, speak down to
them. No black person wants to work in his

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2 narcotics unit because he's a racist. He is
3 a racist, you know, and he's been told by
4 Antonini he was. Antonini told me the only
5 reason why Lieutenant Fisher likes him is
6 because he likes baseball and because
7 Antonini is dirty and is willing to do
8 anything for him. So, you know, it's the
9 same players. Ain't nothing changing, you
10 know, how is it going to change?

11 Q. In terms of other damages such
12 as specials or I think you said you bought
13 an exercise bike, are there any other
14 damages you're claiming because of this
15 attributable to this lawsuit?

16 MS. BELLANTONI: I'm going to
17 object just based on documentation
18 we've provided in interrogatories,
19 but you can go ahead and answer that.

20 A. I don't know because this whole
21 experience has been overwhelming, you know,
22 it's been tough on myself and my family. It
23 doesn't just affect me, it affects my family
24 as a person, as a police officer, as a
25 father, as a husband, as a human being, as a

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good person in my community when they see people come to my home and knock on the door and, you know, bang on the door like that, all type of things that happened, it affects me overall as an individual. It's rough, and I'll tell you this, now I understand why cops, other police officers don't speak up. I understand why other police officers take the L and rather look the other way and go somewhere else to transfer because nobodys wants to be with this. Who would want to go through this? You know, doing the right thing does not mean you getting the right results, you know, sometimes there's a sacrificial lamb, unfortunately. Sometimes it takes something catastrophic to occur before the good happens, you know, it's unfortunate, so somebody has to be the sacrificial lamb, who's willing to stand up? Sometimes people don't want to stand up, you know, because who wants to go through agony? It's painful. This what I'm going through is painful. Nobody in the world should have to experience this. Nobody in this great

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country should have to experience this at all especially as a police officer, a person that puts their life on the line everyday, especially a big city where people are dying and getting shot in Mount Vernon. You're a real officer. When you work here, you have the credentials in other law enforcement department. You have the experience, you are invaluable, you have the credentials they know because working in the City of Mount Vernon means that you're a cop, you know, you've seen things, you know, you've seen things so you should know how to go about doing your job, but why would I have to run if I like working here, you know, why should I have to run? I lived here. Before I moved to Dutchess I lived in the City of Mount Vernon. I have no problem with the community, you know, it's a mixed community. Unfortunately I had to move because taxes were too high. I can't afford it on my salary. I can't afford to pay 10,000, \$15,000 for taxes, you know, I can't afford it.

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2 Q. In terms of other damage you
3 may be claiming and it wasn't really clear
4 to me from what was provided to date, but
5 you're not claiming any physical injuries
6 arising out of this lawsuit; is that
7 correct?

8 MS. BELLANTONI: No, that's not
9 correct.

10 MR. SWEENEY: You are?

11 MS. BELLANTONI: We are. So as
12 we stated to court previously, the
13 retaliation -- want me to do this off
14 the record?

15 MR. SWEENEY: On the record is
16 fine.

17 MS. BELLANTONI: Based on
18 retaliation in connection with this
19 denial of his physical therapy, it
20 has exacerbated his injury and
21 prevented him from returning to work.
22 So, to the extent, and I know this is
23 a fine line, because 207-c is a
24 Workers' Comp issue but to the extent
25 it has delayed his return to work

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and/or exacerbated his injury, I think that may take that outside of the realm of the Workers' Compensation.

MR. SWEENEY: Well, as I understand --

MS. BELLANTONI: Which would be, I guess, a question for the court.

MR. SWEENEY: As I understand the claims, this is why I want to kind of narrow it down, because if it's relevant I can ask him questions about it. If it's not relevant, I won't but I understand there's an economic claim based on his delay in his return to work which I understand, but in terms of whether or not he's claiming his knee hurts more or he's left with more of a limp or something like that, is that part of this claim?

MS. BELLANTONI: I don't know that -- I don't know. I don't know

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2 that he's going to be able to -- I
3 think that's more of a question for
4 his physician as far as his prognosis
5 initially and whether that caused a
6 for not having physical therapy.

7 You can ask him about his
8 physical condition just because you
9 have him here, but I think that's
10 maybe more of a medical opinion based
11 on having physical therapy and what
12 was requested and not having it.

13 MR. SWEENEY: Also he's going
14 to have a new surgery soon?

15 MS. BELLANTONI: That's
16 correct.

17 MR. SWEENEY: I assume his
18 physical condition will be changed
19 somewhat perhaps after the additional
20 surgery.

21 MS. BELLANTONI: Right.

22 MR. SWEENEY: I just didn't
23 know for sure if there's a claim of
24 physical pain and suffering as a
25 result of this -- that's relating to

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this lawsuit. I guess that would be part of the 207 Workers' Comp statute.

MS. BELLANTONI: I just want for the record there is a claim for punitive damages, as well and attorney fees as far as damages is concerned.

MR. SWEENEY: I understand that.

Q. Have you filed a Notice of Claim, Officer Bovell, in this matter?

THE WITNESS: Notice of Claim to whom?

MR. SWEENEY: To the City of Mount Vernon.

THE WITNESS: I'd have to check with my attorney regarding that.

MR. SWEENEY: If you know or if you don't know.

A. I don't know.

Q. In terms of your treating physicians, Officer Bovell, who is your current orthopedic surgeon that's treating

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you?

THE WITNESS: Current, you mean
the one that's been since my 2014
injury?

Q. It hasn't changed; right, so it
would be the same one.

A. Same doctor, Anthony Maddalo.

Q. Do you have a general practice
or family doctor that you see?

A. Family doctor, I have a doctor
-- yeah, I do have a doctor.

Q. What's your doctor's name?

A. I forget -- Dr. Dave in New
Rochelle.

MS. BELLANTONI: Do you know
how to spell that?

THE WITNESS: I think it's
D-A-V-E. I'm not sure. I'd have to
look it up.

Q. When was the last time that you
saw Dr. Dave?

A. It's been a little while. It's
been some time.

Q. Have you treated with Dr. Dave

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2 regarding this injury, 207 claim or any of
3 the emotional that you've described?

4 A. Emotional, no, I haven't
5 treated with Dr. Dave. I think the last
6 time I saw him was perhaps last year. I
7 don't remember.

8 Q. Do you know the reason you saw
9 Dr. Dave last year?

10 A. I don't remember, but I was
11 told by the hospital that I was -- when I
12 was admitted to Vassar that I should
13 follow-up with my doctor, personal doctor at
14 some point in time.

15 Q. And you haven't done that?

16 A. No, I've made an appointment to
17 follow-up with the health doctor there which
18 she told me to do and subsequently after
19 that I'll follow-up with my doctor, with my
20 personal doctor.

21 Q. Other than your treating
22 orthopedic surgeon and Dr. Dave, your
23 primary care specialist, have you treated
24 with any other doctors since your injury of
25 2014?

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A. I've been to -- I don't remember. Pertaining to my injuries, I've seen other doctors, MRI's and stuff like that.

Q. I don't mean doctors that may have looked at you on behalf of the city, I'm talking about treating physicians and I don't mean physical therapists, I mean like doctors with a medical degree.

A. Not that I remember.

MR. SWEENEY: Off the record.

(Whereupon, a discussion was held off the record.)

Q. Just to wrap up the doctor issue, Officer Bovell, other than your treating orthopedic physician, your surgeon and Dr. Dave, you don't really recall any other physicians, maybe other than radiologist for the MRI?

A. I don't remember.

MS. BELLANTONI: You mean for anything; flu shot, physical, stuff he knows, just so we're clear?

Q. The question is really relating

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to your line of duty injury or any emotional injuries that you've mentioned and that was my question and I'll make it more expansive after that.

A. Not that I remember. I made attempts to see a therapist but I was unsuccessful.

Q. You said those maybe were recorded phone calls?

A. Yes.

Q. In terms of seeing doctors for any other reason, your attorney mentioned for example a flu shot, would you have seen your primary care specialist or some other doctor for that reason?

THE WITNESS: For a flu shot?

MR. SWEENEY: Or any general medical needs you may have.

A. Other than two weeks ago I went to the hospital. I saw the doctors there and they told me that I should follow-up with them shortly and then I should see my personal doctor so that's in the works right now based on my breakdown.

1 M. BOVELL

2 MR. SWEENEY: Let's take a two
3 minute recess and we'll try and wrap
4 this up.

5 (Whereupon, a recess was taken
6 at 1:32 p.m., examination resumed at
7 1:40 p.m.)

8 Q. Officer Bovell, I'm just going
9 to try and kind of go back to last week and
10 just ask you some questions where you may
11 have responded that you didn't know or you
12 didn't recall certain details and if that's
13 the case, that's okay, but I just figure if
14 you have any additional information for me.

15 I'm just referencing a paragraph of
16 the Complaint because it makes for a better
17 record.

18 Paragraph 34 of the Complaint you
19 indicated there was an occasion where
20 Detective Antonini [REDACTED]

21 [REDACTED]
22 [REDACTED]

23 [REDACTED] That's the allegation in Paragraph
24 34.

25 If I recall correctly, I think you

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said that happened on more than one occasion
with Detective Antonini; is that correct?

A. Yes, more than once.

Q. Do you recall any specific
individuals?

THE WITNESS: Who were present?

MR. SWEENEY: Suspects or CI'S
that that happened to.

Q. In other words --

THE WITNESS: Would you ask
that --

MR. SWEENEY: Let me rephrase
it.

Q. [REDACTED]

[REDACTED] and Detective Antonini [REDACTED]

[REDACTED]

MS. BELLANTONI: I'm going to
rely on the prior testimony and if
there's more clarification, I don't
want him to be held down to what his
answer was if he doesn't have a copy
of the deposition transcript. I
don't believe he was able to give
specific --

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MR. SWEENEY: He wasn't.

MS. BELLANTONI: -- locations

or arrests. So, to that extent --

Q. I'm hoping in the week since we had the deposition that you may have looked at whatever records you may have and have some more information on exactly who --

[illegible]

Q. I understand that, but all I'm asking is when you say suspects' vehicles, there's no identity of the suspect.

I'm asking if you have any
information on what suspect by name that

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would have been, for example?

A. I don't remember right now in detail, but I remember this one.

Q. Are there any records available to you that would refresh your memory as to what suspect it was?

A. In the narcotics office there's a black book where that black book, I don't know if they destroyed it, perhaps. I don't know. It should still be there where we keep all the arrests of Antonini and Fegan and -- it's used as a competition amongst ourselves by the supervisors to push us to get arrests, so we put the arrests of whose name, we cross out the name of the officer, incident number, arrest location, who was arrested and for what, you know, so we have to put the names in that book. So, that's one thing, one particular item and also your police reports.

Q. Are there any confidential informants by name or by initials that would correspond to these incidents where money is taken out of a suspect's vehicle?

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THE WITNESS: Can you rephrase that? I didn't get that.

Q. Are there any confidential informants and I'm hesitant to using a name on a confidential informant or by initials that you can recall that would correspond to these incidents where money was taken out of a suspect's vehicle?

MS. BELLANTONI: I'm going to object to the form. Do you mean that money was taken as a result of a search, information from a CI or money was taken from the personal property of the CI?

MR. SWEENEY: Well, I think it would be the informant or meaning --

Q. Paragraph 34 says "On numerous occasions while conducting search warrants on suspect vehicles and homes, Officer Bovell would observe Detective Antonini

[REDACTED]

THE WITNESS: Why would a confidential informant be present for

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that?

Q. Does a confidential informant give you information that lead to that suspect vehicle being subject to a search warrant?

THE WITNESS: Are you asking what particular incident where an incident number or incident report --

MR. SWEENEY: Right.

A. Oh, yeah, that information would definitely be in that black book that we have in the narcotics office that we record all the arrests. That would be helpful. It has arrests in there from years ago. There are arrests in that book from Sergeant Fegan as I stated that when we went -- when I had that discussion with Sergeant Fegan when he told me to, you know, pick the fucking bag up and I initially asked out of the unit and we had that discussion. He was pushing us to get -- he was telling us that we have to get 60 arrests, that we have a quota that we have to get 60 arrests a month and I looked in the book and I said to him,

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"You ain't even making 60 arrests a month so why do we assume that we're gonna get written up if we don't make 60 arrests?" So, we have to go out and lock people up so that was one of my -- the reason that I refer back to that book, it has arrests from Sergeant Fegan days when he was working in narcotics as a detective.

Q. But regarding your current knowledge of any names of suspects or even CI's or street names regarding these incidents where the vehicle was pulled over for the search warrant, you can't remember any of those details?

THE WITNESS: Right now? Right now?

MR. SWEENEY: Right now.

A. Right now, not right now. In reference to the case where [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

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MR. SWEENEY: Off the record.

(Whereupon, a discussion was held off the record.)

MR. SWEENEY: In an off the record conversation, Officer Bovell provided some information regarding the CI that was involved in an incident as alleged in Paragraph 54 through 59 of the Complaint, I believe.

THE WITNESS: May I say something? Detective Griffin personally reached out to him to let him know that. He knows the relevance of that particular CI so he wanted to let me know that, so we were discussing that -- previously he had passed away, as well so I was asking why the CI died and what was going on.

MS. BELLANTONI: Are you done?

THE WITNESS: Sure.

MS. BELLANTONI: In an off the

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A. [REDACTED]

THE WITNESS: Can we go off the record for that one?

MS. BELLANTONI: You're going to give a name?

THE WITNESS: Yeah, I'll give a name for that one.

MR. SWEENEY: Off the record.

(Whereupon, a discussion was held off the record.)

Q. [REDACTED]

Q. Is that a dangerous business in your experience?

THE WITNESS: Dangerous business selling drugs?

MR. SWEENEY: Yes.

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A. Dealing drugs, working in the police department as a police officer is dangerous business.

Q. My question was: Is selling drugs a dangerous business in your experience?

A. Yeah, of course.

Q. Did you make an official report of the misconduct that you've outlined in Paragraphs 55 through 59 of the Complaint and that's regarding [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED]

THE WITNESS: Other than Sergeant Fegan?

Q. So, you reported this misconduct to [REDACTED] [REDACTED] that he was involved in?

A. What happened to me with [REDACTED] [REDACTED], we discussed that -- no, I don't think so. I'm not sure. I don't remember.

Q. You don't remember reporting this misconduct about [REDACTED] [REDACTED] and

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2 [REDACTED]
3 A. I reported this conduct to Judy
4 Williams of human resources.

5 THE WITNESS: Did I?

6 A. Yes, to Judy Williams of human
7 resources. That was in 2014. I was in the
8 narcotics unit in 2013. I left the
9 narcotics unit in January of 2014. As the
10 harassment and the abuse escalated I
11 reported it to Judy Williams of the human
12 resources. We had a conversation and we
13 discussed about [REDACTED] in Mount
14 Vernon Police Department. She wanted me to
15 draft something on paper so we can open up
16 an investigation. I did. No investigation
17 was done.

18 Q. As I understand your response
19 to the question the misconduct about

20 [REDACTED] and [REDACTED]

21 supposedly [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 A. That occurred sometime in mid

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August to late -- I'm sorry, mid 2013 to late 2013. I don't remember the exact date.

Q. And you made a report of that misconduct sometime in 2014 to Judy Williams; is that correct?

A. In 2014 when I was no longer in the narcotics unit I made a report to Judy Williams, yes.

Q. And [REDACTED] that you described, that was set forth in this written report to Judy Williams; correct?

A. We had a conversation about it and she said to me that I shouldn't put too much details, just draft something so we can open up an investigation. She's going to set up a meeting with the mayor and we're going to take it from there. Nothing had happened.

Q. Judy Williams told you not to put down too many details?

A. She told me to draft it, I don't have to go into too much details. We were discussing this verbally and she told me about [REDACTED] in the department

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and Internal Affairs. We discussed that with Lieutenant Olifiers, we discussed that with Commissioner Burke and other things that have occurred and she said I should just draft -- put something -- document something so she could work with it and allow her to open up an investigation and we're going to have some meetings and that never occurred.

Q. I'm handing you back Exhibit H that you identified at the last deposition.

(Handed)

A. This seems to be some of the documentation that I gave Ms. Williams.

Q. I show you Defendant's I for Identification which is a human resources form.

(Handed)

A. Okay.

Q. H and I are documents that you gave to Judy Williams; correct?

A. Some of the documents.

Q. What other documents did you give her?

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A. I'm not sure. I don't remember. I'd have to see. I don't recall.

Q. Is there any other [REDACTED] that you believe exists with respect to Mount Vernon Police Department that is not set forth in your report to Judy Williams?

A. Well, this happened after. There are instances where -- see, the way it works in Mount Vernon Police Department even though there's racism, there's abuse of power, as well. The way I've been told I cannot effect change if I'm not a supervisor. I was told by another supervisor I cannot effect change if I'm not a supervisor. So, unfortunately sometimes -- well, supervisors do get away with things, you know, get to get their way and do what they want to do. Initially when I called in I wasn't approved for my second surgery and I waited for my second surgery. I called the desk. I was speaking to Tommy Gallagher who is Lieutenant Chris Gallagher's brother and he asked me "What's going on?" I said, "I'm waiting for my

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second surgery." He said to me that "Well, you got to be like my brother. You got to call up City Hall and talk to someone, scream at somebody and then you get approved right then?" He said to me, "You're not a supervisor, you can't do that." That's to say, you know, you won't get the privilege as a supervisor unless you are a supervisor.

Q. In terms [REDACTED], you give a story about how you had to be a boss in order to get surgery approved.

A. ☐ ☐ ☐ ☐ ☐ ☐

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[REDACTED]

Q. When did this happen?

A. This happened sometime in 2014, '15, I believe. I'm not sure.

Q. Did you observe this or --

A. No, this was told to me by another police officer.

Q. What police officer was that?

A. I think it's a few police officers told me this. I believe one of which I can remember now is Gene Jerome. Gene Jerome told me he saw the complaint form, you know, and nothing is being done

[REDACTED]

Q. Who is the supervisor?

A. I don't remember. I don't

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remember.

Q. You don't remember the name of the supervisor.

Who is the spouse or wife that was involved?

A. I'm not sure. I'd have to gather more information from my recollection from Gene Jerome, but Gene Jerome is the one that gave me specific details. He saw the complaint, that he saw the complaint form that the spouse filled out for the incident and nothing was done. [REDACTED]

[REDACTED]

Q. Are there any other examples of [REDACTED] that you haven't mentioned?

A. Right now, I don't remember right now. I'll try to get it as much as possible at this point in time. I don't remember.

MR. SWEENEY: I have no further questions at this time. Thank you.

(Whereupon this examination concluded at 2:02 p.m.)

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MURASHEA BOVELL

Subscribed and sworn to
before me this _____ day
of _____, 2016.

Notary Public

C E R T I F I C A T E

[illegible]

I, LISA DOBBO, a Shorthand
Reporter and Notary Public within and for
the State of New York, do hereby certify:

That MURASHEA BOVELL, the witness whose deposition is hereinbefore set forth, was duly sworn by me, and that such deposition is a true record of the testimony given by the witness.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have
hereunto set my hand this 13th day of
November, 2016.

LISA DOBBO
SHORTHAND REPORTER

EXHIBIT PAGE

<u>Defendant's Exhibit</u>	<u>Description</u>	<u>Page Number</u>
DD	Letter dated 10-27-14	04
EE	Letter dated 1-29-15	04
FF	Letter dated 2-26-15	04
GG	Letter dated 3-6-15	04
HH	Letter dated 3-13-15	04
II	Letter dated 4-13-15	04

* * *

REQUEST

Page 50 Production of any cell phone
recordings that have not been
produced to your attorney

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ERRATA SHEET

The following corrections, additions or deletions were noted on the transcript of the testimony which I gave in the above-captioned matter held on 11/1/16:

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MURASHEA BOVELL

Subscribed and sworn to
before me this____day
of_____, 2016.

Notary Public

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